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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
ROBERT RANSOM LILLY,)
)
Defendant.)

No. CR 08-00840 JW

STIPULATION AND [Proposed]
ORDER RESCHEDULING THE
FEBRUARY 23, 2009 STATUS HEARING
AND EXCLUDING TIME

The parties are currently scheduled to appear before this Court on February 23, 2009 at 1:30 p.m. for a status hearing. The government and defendant are continuing plea discussions and request additional time to finalize these discussions, to March 23, 2009 at 1:30 p.m. The parties anticipate that the defendant will change his plea at that time. Therefore, in the interests of judicial economy, the government and defense request a continuance of the February 23, 2009 hearing to March 23, 2009 at 1:30 p.m. and an exclusion of time under the Speedy Trial Act.

The parties stipulate that the time between February 23, 2009 and the new hearing date is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the requested continuance would unreasonably deny the defendant reasonable time necessary for effective preparation. The parties further agree that the ends of justice served by granting the

requested continuance outweigh the best interests of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

DATED: February 19, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

/S/
GRANT P. FONDO
Assistant United States Attorney

/S/
THOMAS J. NOLAN
Attorney for defendant

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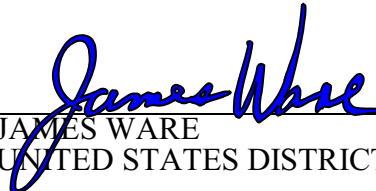
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ORDER

Based upon the representation of counsel and for good cause shown, the Court finds that it is in the interest of judicial economy that the February 23, 2009 status hearing in the above-entitled matter be rescheduled to March 23, 2009 at 1:30 p.m., and that failing to exclude the time between February 23, 2009 and March 23, 2009 would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court further finds that the ends of justice served by excluding the time between February 23, 2009 and March 23, 2009 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the February 23, 2009 status hearing in the above-entitled matter be rescheduled to March 23, 2009 at 1:30 p.m. and that the time between February 23, 2009 and March 23, 2009 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

DATED: February 19, 2009


JAMES WARE
UNITED STATES DISTRICT JUDGE